

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
COOKEVILLE**

RANDY KEITH JARMAN,)
Plaintiff,) Docket No. _____
v.)
OVERTON COUNTY, TENNESSEE,)
And Unknown Defendant(s),)
Defendants.)

NOTICE OF REMOVAL

Defendant Overton County, by and through counsel, pursuant to 28 U.S.C. §1441 and 28 U.S.C. §1446, state the following:

1. This Defendant appears, for the purpose of exercising their right under the provisions of Title 28 U.S.C. § 1441, *et seq.*, to remove the action styled *Randy Keith Jarman v. Overton County, Tennessee, Government*, Case No. 2023-CV-28, from the Circuit Court for Overton County, Tennessee, where such action is now pending, to this Court.

2. In his complaint, Plaintiff specifically alleges violations of his 8th Amendment constitutional rights pursuant to 42 U.S.C 28 §1983. (Exhibit A, Complaint, ¶¶ 35-43). Specifically, Plaintiff alleges that the Defendant violated the plaintiff's Eighth Amendment rights and deprived him of life and liberty without due process of law.

4. This Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1343 because Plaintiff asserts violations of rights arising under 42 U.S.C.

§ 1983 and conferred by the U.S. Constitution. This Court further has supplemental jurisdiction over the state law claims set forth in the Complaint pursuant to 28 U.S.C. § 1367, as both state and federal claims are based on facts arising out of and related Plaintiff's incarceration within the Overton County Jail.

6. Under the provisions of 28 U.S.C. § 1441, the right exists to remove this action from the Circuit Court of Overton County, Tennessee, to the United States District Court for the Middle District of Tennessee, which embraces the place where this action is pending.

7. This Defendant expressly reserves the right to raise all defenses and objections to this action after the action has been removed to this Court.

8. Pursuant to 28 U.S.C. § 1446(b), this Petition for Removal has been filed within thirty (30) days after receipt by this Defendant of a copy of the initial pleading setting forth the claim for relief upon which this action is based. (**Exhibit B**, Declaration of Robyn Beale Williams).

9. Pursuant to 28 U.S.C. § 1446(b)(2)(A), the Defendant has been served in the removal of this action. While Unknown Defendant(s) are named as Defendants, Plaintiff has made no claim against Unknown Defendant(s), nor has a summons been returned for Unknown Defendant(s) prior to this application for removal being filed. The consent of Unknown Defendant(s) is thus not required for the removal of this action. *See Chambers v. HSBC Bank USA, N.A.*, 796 F.3d 560, 564 (6th Cir. 2015); *Farnsworth v. Nationstar Mortg., LLC*, 569 F.App'x 421, 425 (6th Cir. 2014) ("Because Nationstar was the only defendant who had been 'served or otherwise properly joined,' . . . it was not required to have the other unknown and improperly served defendants join or file consent.").

10. Pursuant to 28 U.S.C. § 1446(d), a copy of this Petition for Removal is being filed with the Clerk of the Circuit Court for Overton County, Tennessee.

11. This Defendant reserved the right to amend or supplement this petition for removal.

WHEREFORE, this Defendant hereby removes the above-identified action now pending against them in the Circuit Court for Overton County, Tennessee, to this Court.

Respectfully submitted,

/s/ Robyn Beale Williams
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Counsel for Overton County

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 14th day of July, 2023, a true and correct copy of the foregoing has been forwarded via the U.S. District Court's electronic notification system to:

Rhonda R. Crabtree Meyers, BPR #022058
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Counsel for Plaintiff

/s/ Robyn Beale Williams
Robyn Beale Williams